

Attorney's Reference Number: 1203-006/ddh

**2. Remarks.****A. Double Patenting**

A terminal disclaimer is filed herewith to overcome the nonstatutory double patenting rejection.

**B. The § 102 Rejections**

All of the claims are rejected as being anticipated by Booth et al. The bag described in Booth et al. is a fundamentally different bag from the invention claimed herein because, while it has a block bottom on one end, it also has a block bottom (with a fill valve) on the opposite end. The knives that are used to cut the roll stock and the blanks that are used to form the Booth et al. bag are very different from those used to make a bag like the one claimed herein. The different knife configurations result in blanks and bags that are structurally distinct. The claims are amended to call out these structural distinctions.

An open end bag such as the one claimed here is filled by adding bulk materials through the opening. Of course, the open end must be closed before the bag may be used. In order to fashion a closure, the panels are cut so that the top edge of the back panel extends beyond the top edge of the front panel. As explained in the specification (e.g., page 16, 1<sup>st</sup> paragraph), once the bag is filled the flap on the back panel is folded over the front panel and sealed in a "pinch closure."

This is very different from a valve-fill bag such as that disclosed by Booth et al. A valve-fill bag is loaded by adding bulk materials through the valve. Importantly, given the different constructions at one end, a valve-fill block bottom closure is very different from an open, pinch closure, not only in the way that the finished bags are presented, but also in the way that layers are put together.

Furthermore, the bag of Booth et al. relies upon a preformed, preferably seamless tubular plastic liner (see, e.g., column 4, lines 43 through 48). While the liner may be formed by heat sealing a flat web of plastic into a tube, the liner is nonetheless preformed into a plastic tube prior to forming the bag. The combination of the pre-formed tubular plastic liner and the dual-block-closure of Booth et al. allows the interior of the bag to be free from exposed paper.

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However, with an open end bag such as the bag claimed herein, given the manner in which the layers of the bag are adhered to one another, exposed paper in the interior of the bag presented significant problems. Notably, the layers of paper in the back panel must extend beyond the layers in the front panel to facilitate the pinch closure. In prior art bags of this type, when the layers in the back panel are so-stepped, the result is the exposed paper on the interior of the bag when the block bottom is formed.

The present invention overcomes this problem and the claims are amended to structurally distinguish the claimed invention from Booth et al's bag. Specifically:

Claim 1: in this Jepson-type claim, the preamble previously recited that the bag is of the type having one open end and one closed block bottom end. The body of the claim now includes a limitation directly relating to the open end, namely, that the open end is defined by the top edges of the front and back panels. Furthermore, the claim is amended to recite the closure mechanism for the open end: the top edge of the back panel extends beyond the top edge of the front panel to define a flap on the back panel that is foldable over the front panel to close the open end. Finally, the claim now includes a limitation relating to the stepped portions in the outermost paper ply, namely that the outermost paper ply in the front panel includes a cut out segment extending across a portion of the front panel at the top edge.

This claim now includes several structural limitations that distinguish it from Booth et al., including one open end, a flap closure for the open end, and the cut out segment in the outermost paper ply on the front panel. None of these structural features is shown or taught by Booth et al.

Claim 1, and claims 2 through 5 that depend from it, are allowable.

Claim 6 is a method claim that is amended to clarify that during the forming step the bag is formed such that the top edge of the back panel extends beyond the top edge of the front panel to define a closing flap that extends across the width of the front and back panels. This is the closure mechanism for the open end. As noted above with respect to claim 1, Booth et al. do not disclose this feature. Moreover, in the method of claim 6, the block bottom is closed and the top remains open. Booth et al.'s top is of course closed (although it includes a valve).

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Method claims 6 through 9 are allowable over the cited art.

Claim 10. This claim is directed to the blank used to form the block bottom bag according to the present invention. This claim is amended to make it distinguishable from and patentable over Booth et al. by inclusion of the following structural limitations: the fold lines define the front and back panels, and the top edge of the back panel extends beyond the top edge of the front panel to define a flap for closing the open end of the formed bag.

For the reasons detailed above, this claim is allowable over Booth et al.

C. Conclusion

All of the claims are in condition for allowance and a Notice of Allowance is respectfully requested. If there are any outstanding issues the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,



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